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Jonathan Miller
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MEMORANDUM

TO: Cabinet Secretaries
Agency Heads

FROM: Jonathan Miller
Secretary of Finance and Administration

DATE: March 19, 2008

CC: Constitutional Officers

SUBJECT: State Employee Internet Use

Two years ago, the prior Administration instituted a new government-wide policy that prevented state employees from accessing various categories of Web sites on the Internet. Soon thereafter, a lawsuit was brought on First Amendment grounds concerning what was alleged to be a politically selective process in banning certain websites, namely political blogs that had been critical of the Administration.

This Administration has determined that the so-called “blog ban” policy was ill-advised. As mainstream media sources have ventured onto the Internet—and many local journalists have started their own blogs—it has become unfeasible for state government to make clear distinctions of legitimacy among news-oriented Web sites.

This discussion, furthermore, has illuminated a broader issue: Wholesale blocking of many categories of Web sites may impose unintended burdens on government efficiency. For example, blocking all “shopping” Web sites could prevent the Treasury from hosting an E-Bay auction of unclaimed property. Further, blocking all “sports” Web sites could impede a “healthy kids” initiative between the Health Cabinet and local sports teams.

Accordingly, today the Administration is establishing a new Internet use policy that balances two key objectives. First, it recognizes that there are a considerable number of new and unexpected ways that our employees can use the Internet to provide efficiencies and make state government

more consumer-friendly to taxpayers. And second, it understands the potential for abuse, so it empowers you and your managers to help ensure that state resources are used for state purposes on state time.

The Administration's new policy includes the following practices:

1. On a government-wide, default basis, the Commonwealth Office of Technology will use existing software to ban categories of Web sites that would never be appropriate for most employee access: i.e., sites that feature pornography, gambling, spy-wear, and illegal drug use. Additionally, sites that use excess bandwidth, such as music video sites, will be blocked to promote system-wide efficiency. A full listing of the categories of Web sites blocked by this new policy is attached hereto.
2. Agencies that wish to "unblock" particular categories of Web sites, or particular Web sites that might fall within one of these categories, should send a letter of request to me, with an explanation of why access to such Web sites is needed for state government purposes. An example would be the Kentucky State Police's need to monitor Web sites that promote illegal drug use.
3. A new Internet use policy that clearly articulates how and when state employees can access the Internet has been promulgated. While the new policy recognizes the longstanding practice that incidental personal uses of Internet and E-mail resources during personal time are permissible, they are not encouraged, and excessive personal use shall lead to loss of the resource privileges and may result in disciplinary action. The policy further specifically prohibits "posting" on blogs or other interactive media. The new policy is attached hereto, and we encourage you to share it with all of your employees.
4. Under the new Internet use policy, agency heads and managers are empowered to monitor Internet use and enforce the restrictions provided within the policy. We encourage you to meet with your management team to advise them of this new policy and their responsibilities under it.

If you have any questions about this new policy, please do not hesitate to contact me.

Thank you for your attention to this issue.